

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

Rickey White #127615
PETITIONER,

Case No.

CIV-21-376-SLP

-15-

OKLAHOMA COURT OF CRIMINAL
APPEALS, GARY L. KUMPKIN, PRESIDING
JUDGE,
Respectfully,

FILED

APR 21 2021

CARMELITA REEDER SHINN, CLERK
U.S. DIST. COURT, WESTERN DIST. OKLA.
BY cut DEPUTY

PETITIONER FOR WRITS OF MANDAMUS ON MERITS
UNDER FED RULE 32(C)(2)

Comes now, Rickey White, herein after known as PETITIONER AND ACTING PRO SE to ask this Honorable Court GRANT his REQUEST AND ISSUE A WRITS OF MANDAMUS TO DIRECT THE OKLAHOMA COURT OF CRIMINAL APPEALS TO GIVE THE PETITIONER A NEW DIRECT OF APPEALS AND TO VACATED AND REMANDED THE JUDGMENT AND SENTENCE. IN ADDITIONAL, THE PETITIONER HE IS ACTUAL INNOCENCE ON FIRST DEGREE MURDER THE PROSECUTOR HAS FAILED TO PROVED EACH ESSENTIAL ELEMENT OF THE CRIME BEYOND A REASONABLE DOUBT. HOWEVER, THE PETITIONER HE IS UNLAWFUL IN PRISON ON A WRONGFUL CONVICTED CHARGE. THERE IS A CONFLICT BETWEEN THE DECISION ON THE TRIAL COURT AND COURT OF CRIMINAL APPEALS BALLISTICS EVIDENCE SHOT GUN.

PROPOSITION - I

THE COURT OF CRIMINAL APPEALS
HELD THAT BALLISTICS EVIDENCE PRESENTED
AT TRIAL DEMONSTRATED THAT TO THE EXCLUSION
OF ALL OTHER SHOTGUNS, THAT APPELLANTS
WAS THE MURDER WEAPON.

ARGUMENT AND AUTHORITY

THEREFORE, IN THIS CASE PETITIONER HE IS ASKING THIS
HONORABLE COURT TO INVESTIGATION THE "BALLISTICS EVIDENCE
SAID SHOTGUN THAT THE VICTIM WAS SHOT KILLED BY
NINE SHOTGUN BLENDS AT HIS OWN HOME. THE TRIAL COURT
PRESENT A 22 CALIBER AUTOMATIC RIFLE AT THE JURY TRIAL.
THE PETITIONER HE HAS BEEN PERSONAL BIAS PREJUDICE BY
THE INSUFFICIENT EVIDENCE THERE WAS NO FAIRNESS RULING ON
THE PETITIONER DIRECT OF APPEALS YEAR 1985 UP THIS YEAR
2021, SEE THE SUPREME COURT ON RETROACTIVE TO CASES
COLLATERAL REVIEW.

SEE CAGE V. LOUISIANA 498 U.S. 39 (1990)

SEE APPENDI V. N.J. 530 U.S. 466 478-92 (2000)

SEE TYLER V. CAIN 533 U.S. 656, 664 (2001)

SEE TEAGUE V. LANE 489 U.S. 288 (1989)

THEREFORE, THE PETITIONER HE IS ACTUAL INNOCENCE ON
FIRST DEGREE MURDER BECAUSE THE PROSECUTOR HAS FAILED
TO PROVE EACH ESSENTIAL ELEMENT OF THE CRIME BEYOND

A REASONABLE DOUBT. SEE UNITED STATE V. LEVY 153 F.993 3 CIR (1946), UNITED STATES V. KING 521 Fed 61,

ALSO THIS HONORABLE COURT MUST ACKNOWLEDGE THAT THE PETITIONER HE IS ACTUAL INNOCENCE OF THE CHARGE AGAINST HIM BECAUSE THERE IS A LINK IN THE CHAIN OF EVIDENCE THERE WAS NO STATE WITNESSES SAW PETITIONER SHOOT NO BODY, THE WITNESSES HEARD NO SHOT, THERE WAS NO FINGER PRINT TAKING FROM THE GUN. ALSO THE DR. M.D. BELLAMY, COULD NOT DETERMINE FROM WHAT DISTANCE THE GUN WAS FIRED. (R. 496) BUT THE BULLET CAME FROM THE PETITIONER 22 CALIBER RIFLE. MOREOVER, THE EVIDENCE IS SO SKIMPY THAT A REASONABLE MAN MUST HAVE A REASONABLE DOUBT. THESE MEN THEY ALL KNEW THE PETITIONER HAD A GUN IN HIS TRUNK OF CAR. AND THEY ALL HAD THE OPPORTUNITY TO GET THE GUN FROM MY TRUNK OF CAR AND SHOOT KILL THE VICTIM, AND PER OF THAT DAY THE VICTIM ALREADY HAD REFUSE TO SELL THEM ANY LIQUOR. SEE IN RE WINSHIP 397 U.S. 358, 364 (1970), SEE SULLIVAN V. LA 508 U.S. 275 278 (1993)

MR. WHITE HE IS REQUESTING FOR AN NECESSARY EVIDENTIARY HEARING ON THE INSUFFICIENT BALLISTICS EVIDENCE ON THE SHOTGUN. ALSO IN HARRIS V. REED 189 U.S. 255 263 (1989) PETITIONER HE IS NOT PROCEDURAL

DEFAULT DOES NOT BAR CONSIDERATION OF A FEDERAL CLAIM. ALSO SEE MIRANDA V. ARIZONA, 384 U.S. 436 467 N73 (1966)

THE SUPREME COURT APPLIED THAT NEW RULE TO THE DEFENDANT IN MIRANDA AND ITS COMPANION CASES, AND HELD THAT THEIR CONVICTIONS COULD NOT STAND BECAUSE THEY HAD BEEN INTERROGATED WITHOUT THE PROPER WARNING.

HOWEVER, THE PETITIONER HE IS ASKING THIS HONORABLE COURT TO HOLD AND EVIDENTIARY HEARING TO RESOLVE THE DISPUTED ISSUE ON THE INSUFFICIENT BALLISTICS EVIDENCE SHOTGUN.

THE PETITIONER HE HAS BEEN FAISELY ARREST WHEN THERE WAS NO PROBABLE CAUSE EXISTS IN THIS CASE.

THE PETITIONER REQUESTING THAT THIS HONORABLE COURT DIRECT THE COURT OF CRIMINAL APPEALS TO GIVE THE PETITIONER A NEW DIRECT OF APPEALS OR VACATED THE JUDGMENT OF SENTENCE BECAUSE INSUFFICIENT 'BALLISTICS EVIDENCE SHOTGUN' WAS FILED ON BY COURT OF CRIMINAL APPEALS WHICH DO PREJUDICE AND PETITIONER STILL SUFFER ON FALSE EVIDENCE.

IT IS SO REQUESTS, AND SO PRAYED.

PROOF OF SERVICE

I Rickey White, DO SWEAR OR DECLARE THAT ON
THIS DATE APRIL 19, 2021, AS REQUIRED BY ~~THE~~
U.S. DISTRICT COURT RULE I HAVE SERVED THE ENCLOSED
BRIEF, WRITS OF HABEAS CORPUS ON MERITS, TO: UNITED
STATES DISTRICT COURT FOR WESTERN DISTRICT, AT,
COURT HOUSE 200 N.W. 17TH STREET
OKLAHOMA CITY, OK
73102-3092

DATE: APRIL 20, 2021

Respectfully Submitted,
Rickey White
#122615
OKLAHOMA STATE PENITENTIARY
P.O. Box 99
MCALISTER, Oklahoma
74502